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April 16, 1993

Ms. Donna R. Searcy
Secretary of the Federal
Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: <u>In the Matter of Policies and Rules Depreciation Implementing the Telephone Disclosure and Dispute Resolution Act</u> -
CC Docket 93-22

Dear Secretary Searcy:

Enclosed please find an original and nine copies of Comments of the New York State Department of Public Service in the above captioned proceeding.

Very truly yours,

Penny Rubin
Assistant Counsel

Enclosures

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Before the
Federal Communications Commission
Washington, D.C. 20554

93-22

In the Matter of	)	
	)	
Policies and Rules Implementing the Telephone Disclosure and Dispute Resolution Act	)))	CC Docket 93-22 RM-7990
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF THE
NEW YORK STATE
DEPARTMENT OF PUBLIC SERVICE

The New York State Department of Public Service (NYDPS) submits these comments in response to the Federal Communications Commission (Commission) Notice of Proposed Rulemaking (Notice) seeking comments on the proposed regulations implementing the Telephone Disclosure and Dispute Resolution Act (TDDRA).

NYDPS generally supports the regulations which aim to protect customers from unknowingly incurring charges for interstate pay-per-call services. NYDPS has taken similar actions to protect customers with respect to intrastate pay-per-call services.

the Commission asks whether it should designate certain central office codes for intrastate pay-per-call services.

The NYDPS supports limiting interstate pay-per-call services to a specific service access code. Since most interstate pay-per-call services are transmitted via 900 numbers, then the most logical approach would be to require that interstate pay-per-call services use the 900 service access code.

With respect to pay-per-call services provided exclusively on an intrastate basis, however, the Commission should not, as suggested in the Notice, determine that intrastate pay-per-call services be assigned to designated office codes. The states are in the best position to determine the numbering system appropriate for intrastate pay-per-call services.

In New York intrastate pay-per-call services are limited to the 900 area code or specific central office codes to promote consumer awareness about pay-per-call services. In addition, numbers are assigned based on the type of service being provided, increasing a consumer's ability to distinguish between types of pay-per-call services.

[illegible]

states to enact and enforce additional and complimentary regulations for intrastate pay-per-call service.[1] In order to minimize the potential for customer confusion that could arise from different blocking policies for interstate and intrastate request.[3] A 60 day time limit on requests for blocking will be a significant reduction in customer protection.

In addition, subscribers are offered several blocking options which allow customers to block intrastate services based on their central office code.[4] As a result, New York subscribers currently have the ability to block outgoing calls to all or specific codes used by pay-per-call services. Finally, we prohibit involuntary blocking by a carrier or information by the Commission, is inadequate to ensure that customers are making informed choices when they contact a pay-per-call service. Instead, telephone subscribers should receive notice of their rights at least once per year if they are to make informed choices about these services.

COSTS OF COMPLYING WITH THE TDDRA SHOULD BE ALLOCATED TO THE INTERSTATE JURISDICTION AND BORNE BY THE PAY-PER-CALL SERVICE PROVIDERS.

The Commission proposes several mechanisms to recover the compliance costs imposed by the TDDRA. Among the proposals: designation of a discrete rate element, imposition of a surcharge on 900 access or other charges to interexchange carriers and information providers, referral of separation implications to a Federal-State Joint Board and adoption of Part 69 rules, and addition of a new Part 32 account.

The requirements imposed by the TDDRA apply to interstate pay-per-call services, and therefore, costs associated with the implementation of TDDRA should be allocated to the interstate jurisdiction. We recommend that pay-per-call service providers be responsible for any compliance costs.

CONCLUSION

The NYDPS supports efforts to protect customers from unwanted charges for pay-per-call services, as well as efforts to increase customer's awareness of the pay-per-call services and their rights and obligations with respect to those services. We support restricting pay-per-call services to the 900 service access code, and urge the Commission to defer to states with blocking requirements which differ from the TDDRA. We also urge the Commission to require, at a minimum, annual disclosure to telephone customers of their rights and responsibilities with respect to pay-per-call services. Lastly, we support allocation of the compliance costs associated with TDDRA to the interstate jurisdiction.

Respectfully submitted,

William J. Cowan
General Counsel
New York State Department of
Public Service
Three Empire State Plaza
Albany, New York 12223
518-474-4536